

RICHARD DOYLE, City Attorney (#88625)
NORA FRIMANN, Chief Trial Attorney (#93249)
BRIAN C. HOPPER, Deputy City Attorney (#171070)
Office of the City Attorney
200 East Santa Clara Street
San Jose, California 95113
Telephone: (408) 535-1900
Facsimile: (408) 998-3131
Email: cao.main@sanjoseca.gov

E-filed 12/16/05

Attorneys for Defendants
CITY OF SAN JOSE, HAPPY HOLLOW PARK & ZOO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TERI SMITH,
Plaintiff
vs.

NO. C04 01178 JF

**STIPULATION TO CONTINUE CASE
MANAGEMENT CONFERENCE AND
ORDER THEREON**

HAPPY HOLLOW PARK & ZOO; HAPPY HOLLOW CORPORATION; CITY OF SAN JOSE; and DOES 1-25

Defendants.

Plaintiff Teri Smith and Defendants Happy Hollow Park & Zoo and City of San Jose, by and through their attorneys of record, hereby stipulate that the December 16, 2005 Further Case Management Conference in this matter be rescheduled to **January 20, 2005 at 10:30 a.m.** Good cause exists for this extension in that:

- 1) The parties participated in a productive settlement conference on August 29, 2005 before Magistrate Patricia V. Trumbull;
 - 2) Given the number of alleged violations of the Americans with Disabilities Act and related statutes Plaintiff has identified at the City of San Jose's Happy Hollow Park & Zoo and the sheer size of that facility, Defendant City of San

- 1 Jose will require additional time to propose and consider necessary
2 conditions to the settlement;
3 3) The parties wish to avoid incurring unnecessary attorney's fees and costs;
4 4) Defendant City of San Jose requires additional time to work with its experts;
5 and
6 5) A later Case Management Conference will be more productive once the
7 parties have actually completed their further settlement discussions.

8 Dated: December 9, 2005 RICHARD DOYLE, City Attorney

9
10 BY: /s/ Brian C. Hopper
11 BRIAN C. HOPPER
Deputy City Attorney

12 Attorneys for Defendants
13 CITY OF SAN JOSE, HAPPY HOLLOW
14 PARK & ZOO

15 Dated: December 9, 2005 THIMESCH LAW OFFICES

16 By: /s/ Timothy Timesch
17 TIMOTHY TIMESCH, ESQ.
18 Attorneys for Plaintiff
TERI SMITH

19
20 I attest that Plaintiff has approved and signed this document, and given consent to
21 the filing of the same with the court.

22 Dated: December 9, 2005 RICHARD DOYLE, City Attorney

23
24 BY: /s/ Brian C. Hopper
25 BRIAN C. HOPPER
26 Deputy City Attorney

27 Attorneys for Defendants
28 CITY OF SAN JOSE, HAPPY HOLLOW
PARK & ZOO

1
2 **ORDER**
3

4 Pursuant to the stipulation by the parties hereto and good cause appearing therefor,
5 the December 16, 2005 Further Case Management Conference is hereby rescheduled to
6 10:30 a.m. on January 20, 2006.
7

8 Dated: 12/14/05
9

10 /s/electronic signature authorized
11

12 JEREMY FOGEL
13 UNITED STATES DISTRICT JUDGE
14